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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,141	08/16/2001	John M. Baron	10011911	3145

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

DU, THUAN N

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,141

Applicant(s)

BARON, JOHN M.

Examiner

Thuan N. Du

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005 and April 12, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 21-26 have been added. Claims 1-26 are presented for examination.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-9 and 21-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification, page 9, para. 0022, describes that the time-based initialization default value may be used to retrieve remote information from external devices. However, it does not clearly describe where the information is stored, it does not describe that the external device is a server, it does not describe how the information is retrieved.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "remote server connected to the

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network” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

6. Claims 1-5, 7, 9 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Technical Disclosure Bulletin – “Dynamic Time-Dependent User Interface Modification” – January 1994 [IBMTDB] and Barlock et al. [Barlock] (U.S. Patent No. 6,651,095).

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7. Regarding claim 1, IBMTDB discloses an electronic information retrieval device (computer system), comprising:

a time source (computer's system clock) [p. 2, line 14];

at least one output device (computer's display) [p. 1, 4th paragraph];

a plurality of time values (pre-set time values such as 7:30am-2:00pm, 2:00pm-5:00pm, 5:00pm-9:30pm) [p. 2, 4th paragraph] and a corresponding plurality of time-based initialization default values [p. 2, 5th paragraph];

wherein upon initialization of said device when activated from a deactivated state (upon power on when used) [IBMTDB discloses that, in prior art system, the users have to have their settings for retrieval next time the system power on or reboot, p. 1, last paragraph to p. 2, 1st paragraph, in contrast with the prior art system, IBMTDB's system automatically retrieves the setting, when the computer is used, based on the time of day, p. 2, 2nd and 4th paragraphs], compares current time value to said plurality of time values [in order for the system to retrieve the right settings, the system must compare the current time with the pre-set time values], retrieves a corresponding particular time-based initialization default value from said plurality of time-based initialization default values, and uses said particular time-based initialization default value to retrieve particular information for outputting to said output device [p. 1, 2nd paragraph; p. 2, 2nd – 5th paragraphs].

IBMTDB does not explicitly disclose that the computer comprising a memory for storing values and a processor communicating with time source, output device and memory. However, one of ordinary skill in the art would have recognized that a memory would obviously provided in the computer for storing the settings in order for the computer recalls the settings when the

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computer is used. Furthermore, a processor is a must have component in a computer for processing the computer tasks. Processor is the heart of the computer and the processor controls most, if not all, components in the computer. Therefore, the processor obviously communicates with the time source for obtaining the current time, communicates with the output device (display) for displaying information, and communicates with the memory for retrieving the settings.

IBMTDB teaches that the user's preferences are recalled upon activation of the computer system. However, IBMTDB does not explicitly disclose where the user's preferences are stored. One of ordinary skill in the art would have recognized that the user's preferences could be stored locally or remotely.

Barlock teaches that user's preferences are stored in a remote server and are retrieved when needed [Fig. 2, col. 6, lines 56-59].

Therefore, it would have been obvious to one of ordinary skill in art at the time of the invention to combine the teachings of IBMTDB and Barclock because it would allow the user to retrieve their own preferences at any location [col. 1, lines 53-57].

8. Regarding claim 2, IBMTDB discloses that a predetermined time value of said plurality of time values includes a time-of-day value [p. 2, 4th paragraph].

9. Regarding claim 3, IBMTDB does not explicitly disclose that a predetermined time value of said plurality of time values includes a day-of-week value. However, since the time to recall the settings is programmable [p. 2, 4th paragraph], one of ordinary skill in the art would have recognized that it would have been obvious to program the retrieval of the settings based on the

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day-of-week such as adults use the computer during weekdays and children use the computer during weekends.

10. Regarding claim 4, IBMTDB does not explicitly disclose that a predetermined time value of said plurality of time values includes a week-of-year value. However, since the time to recall the settings is programmable [p. 2, 4th paragraph], one of ordinary skill in the art would have recognized that it would have been obvious to program the retrieval of the settings based on the week-of-year such as adults use the computer during weeks 1-26 and 35-52 of the year and children use the computer during weeks 27-34 of the year (weeks 27-34 of the year is summer time, children don't have to go to school).

11. Regarding claim 5, IBMTDB does not explicitly disclose that a predetermined time value of said plurality of time values includes a solar value. However, since the time to recall the settings is programmable [p. 2, 4th paragraph], one of ordinary skill in the art would have recognized that it would have been obvious to program the retrieval of the settings based on the solar time such as adults use the computer during day time (e.g. 7:00am-5:00pm) and children use the computer during evening time (e.g. after 5:00pm).

12. Regarding claim 7, IBMTDB discloses that the computer system includes power supply [p. 2, 7th paragraph]. Powering on the computer when the computer receives electrical from the power supply is well known in the art.

13. Regarding claim 9, IBMTDB teaches that the plurality of time values and the plurality of time-based initialization default values are user settable [p. 2, 4th – 5th paragraphs].

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14. Regarding claims 21-26, one of ordinary skill in the art at the time of the invention would have recognized that the memory would obviously be capable for storing a network address of the server or Uniform Resource Location (URL) and set as default value.

15. Regarding claim 25 and 26, one of ordinary skill in the art would have recognized that it would have been obvious to apply the teachings of IBMTDB in different environments depends on the intended use.

16. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over IBMTDB, Barlock et al. [Barlock] (U.S. Patent No. 6,651,095) and Kim (U.S. Patent No. 5,892,503).

17. Regarding claim 6, IBMTDB and Barlock do not explicitly disclose that the computer system including keyboard nor power on the computer system by the keyboard. However, one of ordinary skill in the art would have recognized that a typical computer system obviously including keyboard for inputting user's commands.

Kim teaches that a computer system comprising a keyboard which includes a power switch for powering on/off the computer [col. 3, lines 49-50].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of IBMTDB-Barlock to integrate a power switch to control the computer power into the keyboard as taught by Kim. The modification would increase the convenience for the users [Kim, col. 3, lines 61-67]. Alternatively, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the IBMTDB-Barlock's keyboard by the keyboard which includes a power switch for powering on/off the computer as taught by Kim because it would increase the convenience for the users [Kim, col. 3, lines 61-67].

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18. Claims 8 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBMTDB, Barlock et al. [Barlock] (U.S. Patent No. 6,651,095) and Frederiksen (U.S. Patent No. 6,195,569).

19. Regarding claim 8, IBMTDB and Barlock do not teach that the memory of the electronic device stores an initialization use pattern. Particularly, IBMTDB-Barlock does not teach that a most frequently used value can be set as default value.

Frederiksen teaches that an electronic device (phone) record the most frequently used value and set the most frequently used value as default value [col. 3, lines 29-32].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of IBMTDB-Barlock to record the most frequently used initialization value and be able to provide the most frequently used initialization value as default value as taught by Frederiksen. The modification would increase the flexibility of the system by allowing the system be able to immediately recall the most frequently used initialization value upon the computer powering on, therefore, the users' time could be saved.

20. Regarding claims 14-20, since they recite method of operating of the apparatus defined in the apparatus claims, they are rejected accordingly based on the rejection of the apparatus claims.

21. Claims 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBMTDB and Frederiksen (U.S. Patent No. 6,195,569).

22. Regarding claim 10, IBMTDB discloses an electronic information retrieval device (computer system), comprising:

a time source (computer's system clock) [p. 2, line 14];

at least one output device (computer's display) [p. 1, 4th paragraph];

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a plurality of time values (pre-set time values such as 7:30am-2:00pm, 2:00pm-5:00pm, 5:00pm-9:30pm) [p. 2, 4th paragraph] and a corresponding plurality of time-based initialization default values [p. 2, 5th paragraph];

wherein upon initialization of said device (upon power on when used) [IBMTDB discloses that, in prior art system, the users have to have their settings for retrieval next time the system power on or reboot, p. 1, last paragraph to p. 2, 1st paragraph, in contrast with the prior art system, IBMTDB's system automatically retrieves the setting, when the computer is used, based on the time of day, p. 2, 2nd and 4th paragraphs], compares current time value to said plurality of time values [in order for the system to retrieve the right settings, the system must compare the current time with the pre-set time values], retrieves a corresponding particular time-based initialization default value from said plurality of time-based initialization default values, and uses said particular time-based initialization default value to retrieve particular information for outputting to said output device [p. 1, 2nd paragraph; p. 2, 2nd – 5th paragraphs].

IBMTDB does not explicitly disclose that the computer comprising a memory for storing values and a processor communicating with time source, output device and memory. However, one of ordinary skill in the art would have recognized that a memory would obviously be provided in the computer for storing the settings in order for the computer to recall the settings when the computer is used. Furthermore, a processor is a must have component in a computer for processing the computer tasks. Processor is the heart of the computer and the processor controls most, if not all, components in the computer. Therefore, the processor obviously communicates with the time source for obtaining the current time, communicates with the output device

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(display) for displaying information, and communicates with the memory for retrieving the settings.

Furthermore, IBMTDB does not teaches that the memory of the electronic device stores an initialization use pattern. Particularly, IBMTDB does not teach that a most frequently used value can be set as default value.

Frederiksen teaches that an electronic device (phone) record the most frequently used value and set the most frequently used value as default value [col. 3, lines 29-32].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of IBMTDB to record the most frequently used initialization value and be able to provide the most frequently used initialization value as default value as taught by Frederiksen. The modification would increase the flexibility of the system by allowing the system be able to immediately recall the most frequently used initialization value upon the computer powering on, therefore, the users' time could be saved.

23. Regarding claim 12, IBMTDB discloses that the computer system includes power supply [p. 2, 7th paragraph]. Powering on the computer when the computer receives electrical from the power supply is well known in the art.

24. Regarding claim 13, IBMTDB teaches that the plurality of time values and the plurality of time-based initialization default values are user settable [p. 2, 4th – 5th paragraphs].

25. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over IBMTDB in view of Frederiksen as applied to claim 10 above, and further in view of Kim (U.S. Patent No. 5,892,503).

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26. Regarding claim 11, both IBMTDB and Frederiksen do not explicitly disclose that the computer system including keyboard nor power on the computer system by the keyboard. However, one of ordinary skill in the art would have recognized that a typical computer system obviously including keyboard for inputting user's commands.

Kim teaches that a computer system comprising a keyboard which includes a power switch for powering on/off the computer [col. 3, lines 49-50].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of IBMTDB-Frederiksen to integrate a power switch to control the computer power into the keyboard as taught by Kim. The modification would increase the convenience for the users [Kim, col. 3, lines 61-67]. Alternatively, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the IBMTDB-Frederiksen's keyboard by the keyboard which includes a power switch for powering on/off the computer as taught by Kim because it would increase the convenience for the users [Kim, col. 3, lines 61-67].

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday and Wednesday-Friday: 10:00 am - 8:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

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Central TC telephone number is (571) 272-2100.

The fax number for the organization is (703) 872-9306.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a stylized flourish at the end.

Thuan N. Du
June 3, 2005